

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1 and 2 are amended.

Claims 4, 5, 8, 10, 11 and 20-23 are allowable.

Claim Rejections - 35 USC § 102

Claims 1-3, 7, 9 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ma et al. (US 6,570,468; hereinafter "Ma").

Regarding the amended claim 1, Ma does not disclose that the physical property of the micro-vibrator changes when excited so as to select a signal. The Office Action states that it bends, therefore physical property is changed. However, there is no disclosure in Ma that resonator 110 which corresponds to the micro-vibrator of the present invention bends **when excited** so as to select a signal. Ma's invention relates to a method of modifying the resonator by modifying the support structure (such as the formation of notches in the support structure or the addition of material to the support structure) to achieve the targeted frequency value. The modification of the resonator is not related to its excitation, but related to the modification of the

support structure. Therefore, since every limitation of claim 1 is not taught by the reference, claim 1 is not fully anticipated by Ma. Thus, withdrawal of the rejection as it applies to claim 1 is respectfully requested.

Claims 2-3, 7, 9 and 19 which are dependent from claim 1 should also be allowable for at least the same reason. In addition, regarding the amended claim 2, Ma does not disclose that the micro-vibrator comprises a material whose physical property changes in accordance with a crystal structural change. The Office Action states that it is inherent that the apparatus of Ma comprises a material whose physical property changes in accordance with a structural change. However, the amended claim 2 is required to comprise a material whose physical property changes in accordance with a structural change **when excited**. Such a material is not inherent, but unique in the apparatus of Ma. There is no disclosure in Ma that the resonator comprises such a material. Also, regarding claim 3, the Office Action states that Ma teaches the physical property is an electrical conduction characteristic because an electrical current is introduced to the apparatus to operate. However, the fact that an electrical current is introduced to the apparatus of Ma does not mean that the electrical conduction characteristic of the Ma's apparatus changes when excited.

Claim 6 is rejected under U.S.C. 103(a) as being unpatentable over Ma et al. (US 6,570,468; hereinafter "Ma").

Claim 6 is dependent from claim 1. Thus, all of the limitations of claim 1 are included in claim 6.

Regarding claim 6, Ma does not disclose that the physical property of the micro-vibrator changes when excited so as to select a signal, as discussed above regarding claim 1.

Accordingly, Ma does not meet all of the limitations of claim 6. Therefore, Ma does not render claim 6 obvious. Thus, withdrawal of the rejection as it applies to claim 6 is respectfully requested.

Claims 12 and 13 are rejected under U.S.C. 103(a) as being unpatentable over Ma et al. (US 6,570,468; hereinafter “Ma”) in view of Li et al. (US 6,916,717; hereinafter “Li”).

Claims 12 and 13 are dependent from claim 1. Thus, all of the limitations of claim 1 are included in claims 12 and 13.

Regarding claims 12 and 13, neither Ma nor Li, alone or in combination, discloses, teaches or renders foreseeable that the physical property of the micro-vibrator changes when excited so as to select a signal. Ma does not disclose the above fact, as discussed above regarding claim 1. Li does not disclose any micro-vibrator whose physical property changes when excited. Accordingly, the combination of Ma and Li does not meet all of the limitations of claims 12 and 13. In addition, the technical field of Li’s invention which is a method for fabricating semiconductor structures and devices is completely different from the technical field of the inventions of claims 12 and 13 which is an electromechanical signal selection device. This fact makes Li’s invention a non-analogous art to the inventions of claims 12 and 13. Therefore, the asserted combination of Ma and Li does not render claims 12 and 13 obvious. Thus, withdrawal of the rejection as it applies to claims 12 and 13 is respectfully requested.

Claims 14, 15, 24 and 25 are rejected under U.S.C. 103(a) as being unpatentable over Ma et al. (US 6,570,468; hereinafter “Ma”) in view of Monroe et al. (US 6,914,709; hereinafter “Monroe”).

Claims 14, 15, 24 and 25 are dependent from claim 1. Thus, all of the limitations of claim 1 are included in claims 14, 15, 24 and 25.

Regarding claims 14, 15, 24 and 25, neither Ma nor Monroe, alone or in combination, discloses, teaches or renders foreseeable that the physical property of the micro-vibrator changes when excited so as to select a signal. Ma does not disclose the above fact, as discussed above regarding claim 1. There is no disclosure in Monroe that the physical property of the micro-mirror device which corresponds to the micro-vibrator of the present invention changes when excited so as to select a signal. Accordingly, the combination of Ma and Monroe does not meet all of the limitations of claims 14, 15, 24 and 25. Therefore, the asserted combination of Ma and Monroe does not render claims 14, 15, 24 and 25 obvious. Thus, withdrawal of the rejection as it applies to claims 14, 15, 24 and 25 is respectfully requested.

Claims 16 and 17 are rejected under U.S.C. 103(a) as being unpatentable over Ma et al. (US 6,570,468; hereinafter "Ma") in view of Prophet (US 6,788,175).

Claims 16 and 17 are dependent from claim 1. Thus, all of the limitations of claim 1 are included in claims 16 and 17.

Regarding claims 16 and 17, neither Ma nor Prophet, alone or in combination, discloses, teaches or renders foreseeable that the physical property of the micro-vibrator changes when excited so as to select a signal. Ma does not disclose the above fact, as discussed above regarding claim 1. There is no disclosure in Prophet that the physical property of the MEMS air-bridge structure which corresponds to the micro-vibrator of the present invention changes when excited so as to select a signal. Accordingly, the combination of Ma and Prophet does not meet all of the limitations of claims 16 and 17. Therefore, the asserted combination of Ma and

Prophet does not render claims 16 and 17 obvious. Thus, withdrawal of the rejection as it applies to claims 16 and 17 is respectfully requested.

Claim 18 is rejected under U.S.C. 103(a) as being unpatentable over Ma et al. (US 6,570,468; hereinafter “Ma”) in view of Ono et al. (US 6,753,488; hereinafter “Ono”).

Claim 18 is dependent from claim 1. Thus, all of the limitations of claim 1 are included in claim 18.

Regarding claim 18, neither Ma nor Ono, alone or in combination, discloses, teaches or renders foreseeable that the physical property of the micro-vibrator changes when excited so as to select a signal. Ma does not disclose the above fact, as discussed above regarding claim 1. There is no disclosure in Ono that the physical property of the microswitch which corresponds to the micro-vibrator of the present invention changes when excited so as to select a signal. Accordingly, the combination of Ma and Ono does not meet all of the limitations of claim 18. Therefore, the asserted combination of Ma and Ono does not render claim 18 obvious. Thus, withdrawal of the rejection as it applies to claim 18 is respectfully requested.

Claim 26 is rejected under U.S.C. 103(a) as being unpatentable over Ma et al. (US 6,570,468; hereinafter “Ma”) in view of Murata (US 6,972,636).

Claim 26 is dependent from claim 1. Thus, all of the limitations of claim 1 are included in claim 26.

Regarding claim 26, neither Ma nor Murata, alone or in combination, discloses, teaches or renders foreseeable that the physical property of the micro-vibrator changes when excited so as to select a signal. Ma does not disclose the above fact, as discussed above regarding claim 1. Murata does not disclose any micro-vibrator whose physical property changes when excited.


Accordingly, the combination of Ma and Murata does not meet all of the limitations of claim 26. In addition, the technical field of Murata's invention which is a high-frequency switch is completely different from the technical field of the inventions of claim 26 which is an electromechanical signal selection device. This fact makes Murata's invention a non-analogous art to the inventions of claim 26. Therefore, the asserted combination of Ma and Murata does not render claim 26 obvious. Thus, withdrawal of the rejection as it applies to claim 26 is respectfully requested.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. NGB-41064.

Respectfully submitted,

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